

SKIP CLOSING – WRONG AGAIN



**JUDGE SHARON WILLIS SIGALAS
RETIRED, COUNTY COURT JUDGE
JACKSON COUNTY, MISSISSIPPI**



**WHY ARE WE TALKING
ABOUT CLOSING
ARGUMENTS IN YOUTH
COURT**



**YOU NEVER KNOW
WHO MIGHT HAVE
MISSED
SOMETHING
IMPORTANT!**



©1997 Jeff Bucchino

BY THE END OF THIS SESSION THE YOUTH DEFENDER WILL

- UNDERSTAND THE IMPORTANCE OF CLOSING ARGUMENT
- UNDERSTAND THE DEFINITION OF REASONABLE DOUBT AND HOW TO USE IT EFFECTIVELY
- UNDERSTAND THE DIFFERENCE BETWEEN INFERENCES AND PRESUMPTIONS
- UNDERSTAND HOW TO TELL YOUR CLIENT'S STORY
- UNDERSTAND STRATEGIES AND TECHNIQUES FOR DEVELOPING A COMPELLING CLOSING



WHAT DID THE DEFENSE DO RIGHT?

- Pointed out 3 times in 5 minutes that his client was not guilty
- Emphasized that the state had to prove all the elements
- Pointed out the element the state did not prove was specific intent
- Pointed out that the decision of innocence or guilt would be with his client forever

WHAT DID THE DEFENSE DO RIGHT?

- Pointed out why the choice his client made was the best choice at the time
- Reiterated facts good for his client
- Walked around, keeping your attention
- Made points with enthusiasm and then took away state's argument

EXCUSES FOR NOT CLOSING

IT IS JUST A BENCH TRIAL

**EVEN JUDGES NEED
THEIR MEMORY REFRESHED**



I AM NOT GOING TO CHANGE A JUDGE'S MIND

THE JUDGE MAY BE WAVERING



IT IS JUST A “JUVIE” TRIAL

A YOUTH'S RECORD CAN HURT
THEM LATER



REASONS FOR CLOSING



An opportunity to speak for your client

- Point out inconsistencies
- Tell their story



An opportunity to give case law

- Have copies for Judge and Counsel
- Judges may not have been to yearly CLE



An opportunity to point out

- Reasonable Doubt
- Give examples of testimony where “doubt can be found”



An opportunity to make a request of the judge

- Always ask the judge to find your client not guilty

UNDERSTANDING THE IMPORTANCE OF CLOSING ARGUMENTS

Your client has a Sixth Amendment right to a closing argument

Your closing is the most important part of the trial for your client

Don't be afraid, tell your client's story with enthusiasm

Your opportunity to attack the weaknesses in States case

- No fingerprints
- Blurry video
- Alibi may be giving self-serving testimony

Your opportunity to ask for a specific action – find your client not guilty



UNDERSTANDING BURDEN OF PROOF



PRESUMPTION OF INNOCENCE

All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. (Merriam-webster.Com)

BURDEN OF PROOF

The prosecution bears the burden of proving that the defendant is guilty beyond all reasonable doubt. In other words, there is no other reasonable explanation that can come from the evidence presented at trial.

DEFINITION OF DOUBT

Doubt, especially about the guilt of a criminal defendant, that arises, or remains, upon a fair and thorough consideration of the evidence or lack thereof.
(Merriam-webster.Com)

A REASONABLE DOUBT EXISTS ...

When a factfinder cannot say with moral certainty that a person is guilty, or a particular fact exists.

It must be more than an imaginary doubt, and it is often defined judicially as such doubt as would cause a reasonable person to hesitate before acting in a matter of importance. (Merriam-webster.Com)



"Your Honor, we, the jury, find this one too close to call."

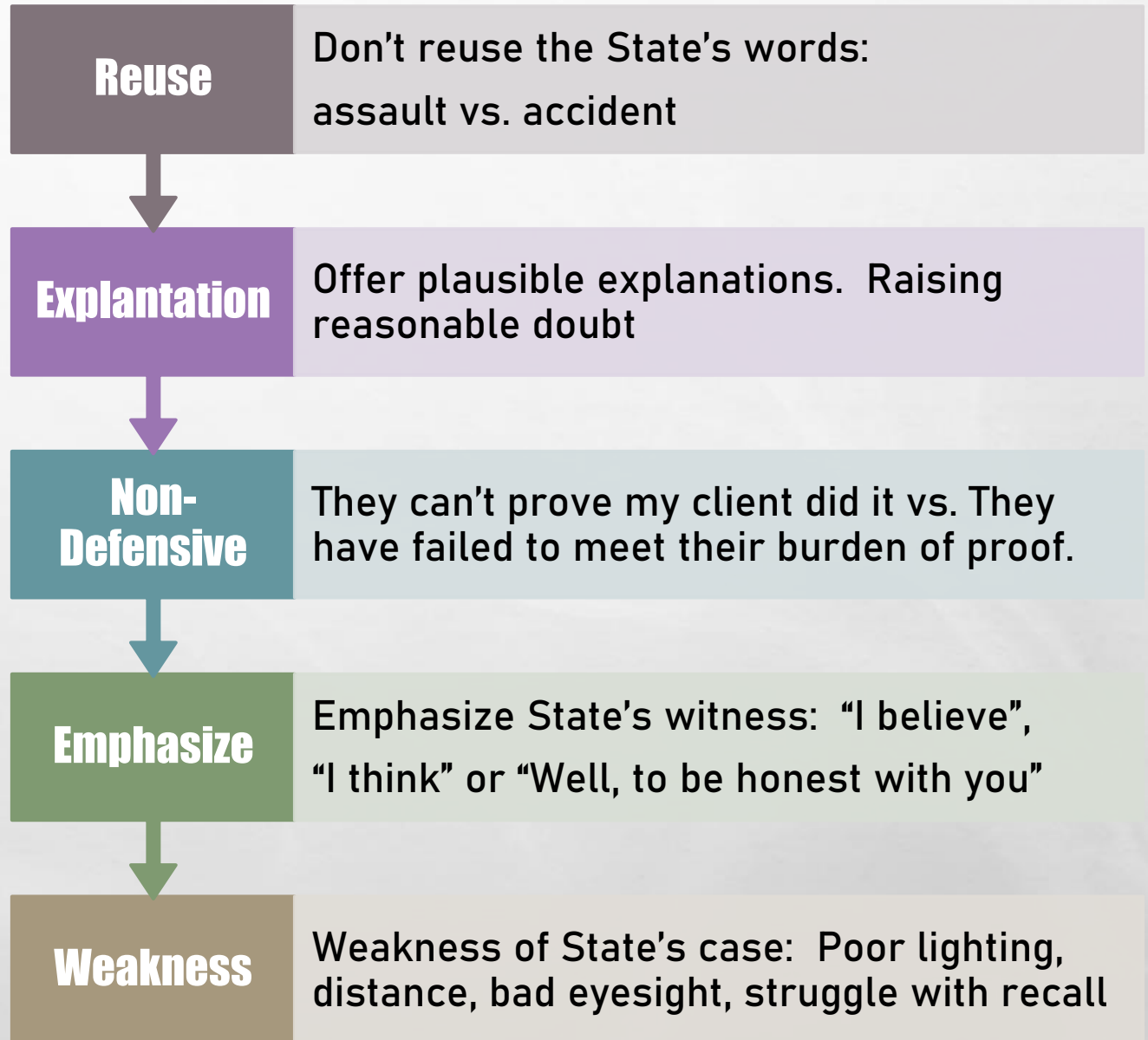
DOUBT



UNDERSTAND HOW TO TELL YOUR CLIENT'S STORY TO CREATE A COMPELLING CLOSING



UNDERSTAND HOW TO TELL YOUR CLIENT'S STORY TO CREATE A COMPELLING CLOSING



INFERENCES AND PRESUMPTIONS



**PRESUMPTION
OF
INNOCENCE**



INFERENCE

Inference is a rule of logic that is used for evidence during a trial, it is a deduction of fact that may logically and reasonably be drawn from another fact found in the action.

If A and B are true then C is, this is called deductive reasoning.
(West's Encyclopedia of American Law, edition 2)

EXAMPLES



PRESUMPTION

Presumption is a rule that allows a court to assume a fact is true unless there is evidence to prove otherwise.

Every presumption is rebuttable, someone can disprove it with evidence.

EXAMPLES



STRATEGIES AND TECHNIQUES FOR DEVELOPING A COMPELLING CLOSING ARGUMENT



1

Include the defense theory of the case, do not make the judge guess

2

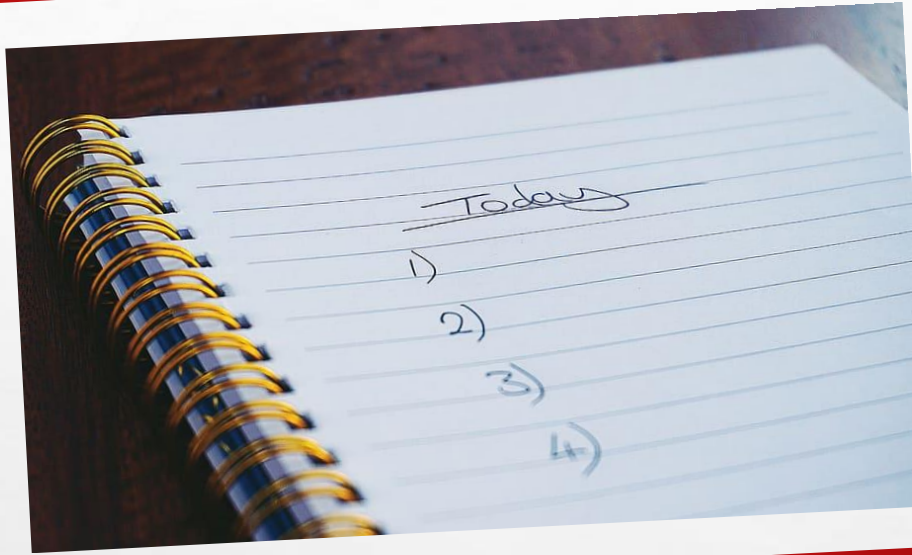
Review the evidence that supports the defense's case

3

Incorporate relevant law and legal principals

4

Ask judge to make inferences about the evidence and law presented that will advance the defense's case



ORGANIZING THE CLOSING ARGUMENT





Punchy start

- Six to Seven Sentences

Examples:



Justice Themes

- Reasonable Doubt
- Presumption of Innocence
- Burden of Proof
- Lack of Physical Evidence
- Credibility of Witnesses

By Topic

- Organize argument by topic
- Repeat theme used throughout case
- Arrange witnesses by type
 - ➔ lying snitches,
 - ➔ co-conspirators,
 - ➔ mistaken witnesses



Punchy Closing

- Justice demands not guilty, no adjudication, DISMISSAL

Examples:





FORENSIC EXERCISES



THE IMPORTANCE OF CLOSING ARGUMENT



To pull together complicated facts into a cohesive story



Create a lens for evidence to be considered through



To use themes that a factfinder will remember during deliberations



To persuade the judge that the defense's theory is correct



To ask the Judge to find the defendant not guilty

**IF YOU DIDN'T FALL
ASLEEP YOU
SHOULD KNOW
HOW TO CLOSE**



Practical Tips for Closing

Develop a style that is comfortable to you.

Prepare closing ahead of time and modify if needed to fit evidence.

Know your case, do not read your notes.

Let the judge know you believe in your client.

Never, never skip closing



QUESTIONS



Contact Information

Sharon W. Sigalas
Retired County Court Judge
Email: sharonsigalas@gmail.com
Phone: 228-218-4210